

Patitioner's Docket No. 55865 (71965)

Box 500  
JC10 Rec'd PCT/PTO. 29 JAN 2002  
PATENT  
#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shingo, et al.

Application No.: 09/830,706

Filed: April 27, 2001

For: THIOREDOXIN REDUCTASE II

Box Sequence

Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

January 7, 2002  
Date

By:

Annemarie Serrecchia  
Annemarie Serrecchia

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE**

*(check and complete this item, if applicable)*

1. ☒ This replies to the Office Letter DATED 11/21/01.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Office Letter is enclosed.

## IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Peter F. Corless  
(type or print name of person signing below)

state the following:

### ITEMS BEING SUBMITTED

3. Submitted herewith is/are

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:  
Application No.: 0 /  
Filed:  
For:

Group No.:  
Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable

*form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. § 1.821(e).*

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).

- F. ☐ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☐ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant is

☒ a small entity. A statement:

☐ is attached.

☐ was already filed.

☐ other than a small entity.

## EXTENSION OF TERM

6.

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec.10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 C.F.R. § 1.645 for extensions of time in interference proceedings and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

*(complete (a) or (b) as applicable)*

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$110.00	\$ 55.00
<input type="checkbox"/> two months	\$400.00	\$ 200.00
<input type="checkbox"/> three months	\$920.00	\$ 460.00
<input type="checkbox"/> four months	\$1,440.00	\$ 720.00
<input checked="" type="checkbox"/> five months	\$1,960.00	\$ 980.00

Fee \$ 980.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

02/05/2002 NGUYEN 00000115 09830706

Extension fee due with this request \$ 980

01 FC:228

980.00 DP

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### FEE PAYMENT

8. ☐ Attached is a check in the sum of \$ 980.
- ☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

#### FEE DEFICIENCY

9.

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

10. ☒ If any additional extension and/or fee is required, or if for any reason a fee is overpaid, please charge or credit Deposit Account No. 04-1105.

#### SIGNATURE(s)

January 7, 2002

Peter F. Corless

(type or print name of person signing statement)

  
Signature

EDWARDS & ANGELL, LLP

P. O. Box 9169, Boston, MA 02209

P.O. Address of Signatory

(If applicable)

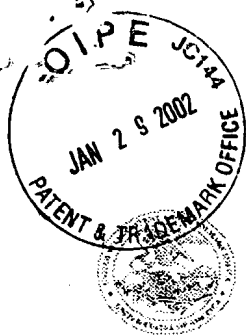
Tel. No.: (617) 439-4444

Fax No.: (617) 439-4170

Customer No. 21874

- ☐ Inventor  
☐ Assignee of complete interest  
☐ Person authorized to sign on behalf of assignee  
☒ Practitioner of record  
☐ Filed under Rule 34(a)  
☒ Registration No. 33,860  
☐ Other

187038



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Best PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/830,706	Shingo Toji	55865

INTERNATIONAL APPLICATION NO.
PCT/JP99/05983

I.A. FILING DATE	PRIORITY DATE
10/28/1999	

Peter F Corless  
Dike Bronstein Roberts & Cushman  
P O Box 9169  
Boston, MA 02209

CONFIRMATION NO. 1848

371 FORMALITIES LETTER



\*OC000000007091656\*

Date Mailed: 11/21/2001

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Indication of Small Entity Status
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - ▢ RAW SEQUENCE LISTING ERROR REPORT
  - ▢ APPLICANT MUST PROVIDE:
    - ▢ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
    - ▢ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - ▢ For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 305-3653

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/830,706	PCT/JP99/05983	55865

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- III.**    ☐    Submitted herewith, is a English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 CFR 1.494(b)(2)).

*NOTE: For fee for processing a non-English application, complete item IV(4).*

*NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).*

*NOTE: Unlike the filing of an ordinary non-English application (37 CFR 1.52(d) the translation of an international application entering the U.S. national phase need not be verified. 37 CFR 1.494(e). If necessary, however, a verified translation may be required. 37 CFR 1.494(e). Moreover, if the English translation is filed within 20 months from the priority date, no processing fee is required.*

**FEES**

**IV.**

*NOTE: See 37 CFR 1.28(a).*

**1.        Fees for claims**

- |                          |  |          |
|--------------------------|--|----------|
| <input type="checkbox"/> | Each independent claim in excess of 3<br>(37 CFR 1.492(b) \$78.00; Small entity—\$39.00) | \$ _____ |
| <input type="checkbox"/> | Each claim in excess of 20<br>(37 CFR 1.492(c) - \$18.00; small entity—\$9.00)           | \$ _____ |
| <input type="checkbox"/> | Multiple dependent claim(s)<br>(37 CFR 1.492(d) - \$260.00;<br>small entity—\$130.00)    | \$ _____ |

**2.        Surcharge fees**

- |                                     |  |                  |
|-------------------------------------|--|------------------|
| <input checked="" type="checkbox"/> | Surcharge set forth in § 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office— \$130.00;<br>small entity—\$65.00 | \$ <u>130.00</u> |
|-------------------------------------|--|------------------|

*NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.*

**3.**

- |                          |  |          |
|--------------------------|--|----------|
| <input type="checkbox"/> | Processing fee set forth in § 1.492(f), for acceptance of an English translation later than 20 months after the priority date—\$130.00 | \$ _____ |
|--------------------------|--|----------|

- |           |   |          |
|-----------|---|----------|
| <b>7.</b> | <input type="checkbox"/> Assignment (See "ASSIGNMENT COVER SHEET".) | \$ _____ |
|-----------|---|----------|

08/10/2001 ATRAN1    00000094 09830706	Total fees	\$ <u>130.00</u>
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01 FC:154	130.00 OP	
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Adjustment date: 05/16/2002    FSMITH  
08/10/2001 ATRAN1    00000094 09830706  
01 FC:154                                -130.00 OP



### SMALL ENTITY STATUS

V. A statement that this filing is by a small entity

NOTE: See 37 CFR 1.28(a).

(check and complete applicable items)

- a. ☐ is attached.  
was filed on \_\_\_\_\_ (original).  
b. ☐ A separate refund request accompanies this paper.

### EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI.

The proceedings herein are for a patent application. The provisions of 37 C.F.R. § 1.1 36(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

Extension (months)	Fee for over than small entity _____	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Fee \$ 0

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 390.00.

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

**VII.** The total fee due is:

Completion fee(s) \$ 130.00  
Extension fee (if any) \$ 0  
  
TOTAL FEE DUE \$ 130.00

## PAYMENT OF FEES

**VIII.**

- ☒ Enclosed is a check in the amount of \$ 130.00.  
☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).*

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

**IX.**

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges.

*NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 CFR 1.136(a)(3).*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 CFR 1.26(a).*

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 04-1105  
☒ 37 C.F.R. 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)  
☒ 37 C.F.R. 1.492(b) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- ☒ 37 C.F.R. 1.17 (application processing fees)  
☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a "quest or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311 (b)).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

**NOTE:** 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity

[ ] 37 C.F.R. 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

**WARNING:** It is suggested that you always check this last authorization.

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No. 33,860

Peter F. Corless  
(type or print name of practitioner)

Tel. No.: (617) 439-4444

Dike, Bronstein, Roberts & Cushman, LLP  
Intellectual Property Group  
Edwards & Angell, LLP  
P.O. Box 9169  
P.O. Address

Customer No.

Boston, MA 02209

#169136